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Attorneys for Emerald Operating Partners, LLC

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----	X	
JALAL KHAN	:	
	:	
	:	
Plaintiff,	:	Case No. <u>19 Civ. 9597</u>
	:	
-against-	:	
	:	
EMERALD OPERATING PARTNERS, LLC.	:	
OLIVER LAWRENCE QUINN,	:	
JULIEN SAMSON and TREVOR BAILEY,	:	
	:	
Defendants.	:	
-----	X	

NOTICE OF REMOVAL

Please take notice that pursuant to 28 U.S.C. § 1446(a), Defendant Emerald Operating Partners, LLC ("Emerald"), hereby removes this action from the Supreme Court of the State of New York, New York County, to the United States District Court for the Southern District of New York. In support of this Notice of Removal, Emerald avers as follows:

Procedural History and Plaintiff's Allegations

1. This lawsuit was filed by Jalal Khan (“Plaintiff”) in the Supreme Court of the State of New York, New York County, Index No. 655277/2019, on September 12, 2019, against Emerald and three individual defendants, Oliver Lawrence Quinn (“Quinn”), Julien Samson (“Samson”) and Trevor Bailey (“Bailey,” together with Emerald the “Defendants”). The complaint pleads claims for breach of contract, breach of fiduciary duties, and unjust enrichment. Further, Plaintiff seeks a declaratory judgment as to the interpretation of the membership agreement for Emerald Operating Partners, LLC. True and correct copies of all process, pleadings, and orders in the state court action are attached hereto as Exhibit A.

Grounds for Removal

2. Emerald removes this matter pursuant to 28 U.S.C. § 1446(a). This Court has jurisdiction under 18 U.S.C. § 1332 because Plaintiff is a New York citizen and none of the defendants are New York citizens. Emerald is a limited liability company formed under the laws of the State of Delaware. Emerald has three members, co-defendants Quinn, Samson and Bailey. Quinn is a Tennessee resident and citizen; Samson is a Virginia resident and citizen of France and Canada; and Bailey is a resident and citizen of Great Britain. Because none of Emerald's members are citizens of New York, all defendants to this lawsuit are diverse from Plaintiff. The amount in controversy exceeds the statutory minimum, as the Complaint alleges damages in the minimum amount of \$500,000.

The Procedural Requirements for Removal are Satisfied

3. Emerald is a defendant to this action and is authorized to remove this matter to this Court pursuant to 28 U.S.C.A. § 1441 *et al.*

4. The United States District Court for the Southern District of New York is the proper venue for removal because the state court case is pending within its jurisdictional district, in the Supreme Court of the State of New York, New York County.

5. Emerald and Quinn were served with process on September 27, 2019. This Notice is timely under 28 U.S.C. § 1446(b) because it is filed within 30 days of service and within one year of the commencement of the action.

6. Defendants Samson and Bailey have not been served with process.

7. While reserving all objections and defenses, Defendants Quinn, Samson and Bailey have consented to removal of this matter to the United States District Court for the Southern District of New York. True and correct copies of the consents to removal by Defendants Quinn, Samson and Bailey are attached hereto as Exhibit B.

8. Emerald will promptly provide a copy of this Notice to counsel for Plaintiff and file same with the Clerk of Court for the New York Supreme Court, County of New York, in accordance with 28 U.S.C.A. § 1446(d).

Non-Waiver of Defenses

9. By removing this action from state court, Defendants do not waive any defenses available to them, including but not limited to, objections to the Court's jurisdiction.

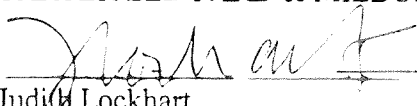
10. By removing this action from state court, Defendants do not admit any of the allegations in Plaintiff's complaint.

WHEREFORE, Defendant Emerald Operating Partners, LLC removes the above-captioned action from the Supreme Court of the State of New York, to the United States District Court for the Southern District of New York.

Date: October 16, 2019

Respectfully submitted,

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